

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

STATE OF MISSOURI ex rel. ERIC S.
SCHMITT, Attorney General, and

STATE OF LOUISIANA ex rel. JEFFREY
M. LANDRY, Attorney General,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United States, *et
al.*;

Defendants.

Case No. 3:22-cv-01213

DECLARATION OF DANIEL KOTZIN

1. I, Daniel Kotzin, am over the age of 18.
2. I make this Declaration based on personal knowledge.
3. Prior to my permanent expulsion from Twitter, I had approximately 31,900 followers on Twitter, having created my account in September, 2013.
4. Based on my follower count, it is all but certain that I had multiple followers in all 50 states, including Missouri and Louisiana.
5. In addition to Twitter, I regularly use Instagram, Yahoo, Google, Facebook, Facebook Messenger, Amazon, and LinkedIn.
6. Starting in March of 2020, I tweeted similar content almost every day, in which I criticized the government and society for their responses to covid.

7. For example, on September 27, 2020, I tweeted: “Come on San Francisco! It’s a beautiful day out there. Let’s take the masks off and get outside. Look for me and my kids at the playgrounds. #Resist” (Attachment 1).

8. On October 26, 2020, I tweeted: “We are treating young people not as human beings but as automata. I keep hearing how “resilient” they are. That is what abusers say. They are suffering. We are committing mass, systemic child abuse” (Attachment 2).

9. On December 24, 2020, I tweeted: “Dr Fauci admitted lying to the American people about masks, in order to conserve them for health workers. He has now admitted lying about the herd immunity threshold, so that we would be more likely to get vaccinated. What else is he lying to us about?” (Attachment 3).

10. On February 16, 2021, I tweeted: “Let us not forget that we fight for nothing less than human rights, human freedom, and human dignity. We must resist immunity passports and digital credentials and vaccine mandates and mask mandates and testing regimes and surveillance regimes and digital life and hysteria” (Attachment 4).

11. Before September of 2021, despite my unremitting criticisms of government policy, I was never suspended.

12. I have now been suspended by Twitter four (4) times. The first time for 24 hours, followed by two (2) suspensions for seven (7) days. The final suspension was permanent.

13. The first tweet leading to a temporary suspension, posted on September 24, 2021, read: “There is not now, nor has there ever been, evidence that the Covid shots reduce infection or transmission. Vaccine passports; vaccine mandates; vaccine requirements—they are all an abomination” (Attachment 5).

14. I received an email notification stating that my account had been locked for “violating the policy on spreading misleading and potentially harmful information related to COVID-19.” The email warned that “repeated violations may lead to permanent suspension of your account.”

15. The second suspension occurred on March 7, 2022, just four days after the Surgeon General’s RFI. It read: “It is important to never lose sight of the fact that the global pandemic is ending not because of the vaccines, but because almost everyone on the planet got infected with covid.”

16. After labeling the tweet “misleading,” Twitter again notified me that I had been locked out of my account, this time for seven days, in an email that was identical to the first one (Attachment 6).

17. I was again suspended on April 11, 2022, after the motion for a preliminary injunction in my case against the federal government had already been filed. It was a link to a Substack essay written by my co-plaintiff Michael Senger. My tweet read: “‘The vast majority have realized that every COVID policy—from the lockdowns and masks to the tests, death coding, and vaccine passes—has been one, giant fraud.’ Michael Senger was banned forever by Twitter for writing that, so it must be true.”

18. The email that I received from Twitter once again referred to my tweet as “misleading,” notified me that I was suspended for a week, and threatened me with permanent suspension from Twitter (Attachment 7).

19. The threat materialized when I was permanently suspended on April 29, 2022, one day after testifying under oath about my fear of permanent suspension. The Tweet for which I was

suspended stated: “Myocarditis, pericarditis, blood clots, and strokes are known potential side effects of covid vaccination. That is not my idea of ‘safe’” (Attachment 8).

20. I appealed the suspension on May 2, 2022. To date, I have received no response other than acknowledgement of receipt.

21. Permanent expulsion from Twitter has been devastating for me.

22. I had spent 2 years building my Twitter following. Two years ago, I had fewer than 100 followers, and at the time of my permanent suspension I had nearly 32,000.

23. When my account is suspended, I am unable to communicate with my followers.

24. Permanent suspension of my account has meant the loss of two years of hard work.

25. Based on my observations and extensive Twitter use, many more accounts than usual have been suspended since the Surgeon General’s RFI on March 3.

26. It is often difficult to know when an account has been suspended, because the person who has been suspended is unable to alert their followers. They just disappear.

27. When an account is permanently suspended, everything the person ever wrote is erased and cannot be accessed by anyone.

28. Since the RFI, many of us who are critical of government covid policies have been regulating our speech more carefully than ever, because we have noticed that more of us are getting suspended than ever before, and we don’t want to risk losing our audience.

29. I considered the possibility of “permanent suspension” to be such a devastating prospect that I methodically self-censored.

30. I contrived creative ways to attempt to avoid suspension, for example by using hypotheticals and phrasing statements in question form.

31. Although I believe that I have valuable information, insights, and opinions to share on the subjects of vaccines, who is most at risk from a covid infection, and the deference due to public health officials, I severely limited what I said and how I said it in a futile effort to avoid permanent suspension.

32. Based upon my observations and extensive Twitter use, there are no examples of Twitter suspending individuals who have spread factually incorrect information that supports government policies by, for example, exaggerating the threat the virus poses to children or the effectiveness of masks or vaccines.

33. Twitter suspends only those who question the wisdom and efficacy of government restrictions, or those who cast doubt on the necessity, safety or efficacy of the vaccines.

34. If all or almost all suspensions are targeted at critics of the government and government policies, and no or almost no suspensions are targeted at purveyors of factually incorrect information, then it is not “misinformation” that is being censored, but criticism of the government.

35. Since the Surgeon General’s Request for “health misinformation” in March I have been suspended four times by Twitter, and have now been permanently banned. I am frightened that the government wants to punish me, personally, for things that I have already written. Perhaps things that I wrote prior to the loss of my account will be used to give the government a pretext to place me on some sort of Enemies List.

36. In order to open my account, I was required to give Twitter extensive personal information. I have never agreed to turn that information, or indeed any of the information that I have shared with or on Twitter, over to the government.

I swear or affirm under penalty of perjury that the foregoing is true and correct.

Dated: 5/26/2022

Signed: Wm M